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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: :

RUBY PIPELINE, L.L.C. : Docket Number

: PF08-9-000

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Oregon-California Trail Center  
320 N 4th Street  
Montpelier, Idaho

Tuesday, October 14, 2008

The above-entitled matter came on for a public  
scoping meeting, pursuant to notice, at 7:00 p.m.

Presiding: Dave Swearingen

## 1 P R O C E E D I N G S

2 (7:00 p.m.)

3 MR. SWEARINGEN: My name is Dave Swearingen and  
4 I'm an environmental project manager with the Federal Energy  
5 Regulatory Commission or FERC. To my left is John  
6 Muehlhausen with Merjent. It's an environmental consulting  
7 corporation. Merjent is assisting us in our environmental  
8 analysis. Jeff MacKenthun and Peg Bolden, also with Merjent  
9 are at the sign-in table by the entrance where you came in.  
10 So on behalf of the FERC, I want to welcome all you all here  
11 tonight. Let the record show that the Montpelier scoping  
12 meeting began at 7:02 p.m. October 14, 2008.

13 The purpose of this meeting is to give you the  
14 opportunity to provide environmental comments specifically  
15 on Ruby's proposed project. Ruby entered into the FERC  
16 pre-filing process on January 31st of this year, through  
17 which we began a review of the facilities that we refer to  
18 as the Ruby Pipeline Project. This scoping period is a  
19 follow-up to the first scoping period held in April of this  
20 year. Ruby has refined its proposed route and submitted  
21 additional information on which the public may want to  
22 comment; thus, the reason for this additional scoping  
23 meeting. Of particular interest on the eastern portion of  
24 the project, where we are here, is the evaluation of the  
25 "northern alternative," as compared to Ruby's preferred

1 "southern route." I'll talk a little bit more about that in  
2 a few minutes.

3 The Ruby Pipeline Project would deliver gas from  
4 the Rocky Mountain region to the growing markets on the West  
5 Coast and the state of Nevada. The main facilities that  
6 Ruby is considering for the project are about 677 miles of  
7 42-inch diameter natural gas pipeline and four new  
8 compressor stations. The pipeline would extend from Lincoln  
9 County, Wyoming to Klamath County, Oregon. There are some  
10 other associated facilities that Ruby is considering. In a  
11 little bit, I'll ask a representative from Ruby to come up  
12 and give a short presentation/overview of the Ruby Project.  
13 You might have noticed they had some posters and information  
14 out front. After the public, official part of this meeting  
15 is over, they'll be glad to stick around. You can ask them  
16 questions -- anything you want about the project.

17 Right now, I need to talk a little bit about the  
18 FERC scoping process and public involvement in FERC projects  
19 in general. The main FERC docket number for the Ruby  
20 Project is PF08-9-000 and that's the number that we use to  
21 track everything that's been filed and will be filed on this  
22 project as long as its in the pre-filing stage. Once a  
23 formal application is filed, a new docket number will be  
24 assigned.

25 The National Environmental Policy Act requires

1 that the Commission take into consideration the  
2 environmental impacts associated with new natural gas  
3 facilities. Scoping is a general term for soliciting input  
4 from the public before the environmental analysis is  
5 conducted. The idea is to get information from the public,  
6 as well as agencies and other interested people so that we  
7 can incorporate issues of concern into our analysis. This  
8 particular scoping period started last month when we issued  
9 our Notice of Intent to prepare and Environmental Impact  
10 Statement. That's the NOI that most of you received in the  
11 mail. In that NOI we described the environmental review  
12 process, some environmental issues that have already been  
13 identified and the steps that FERC and the cooperating  
14 agencies will take to prepare the Environmental Impact  
15 Statement or the EIS.

16 We have set an ending date of October 29, 2008  
17 for this scoping period. However, the end of this scoping  
18 period is not the end of public involvement. There will be  
19 a comment period, including additional public meetings once  
20 the draft EIS is published.

21 An important step in the environmental review  
22 process and the preparation of an EIS is to determine which  
23 environmental resource issues are most important to you.  
24 Your comments and concerns, along with those of other  
25 people and agencies who are participating in this process

1 will be used to focus our environmental analysis. Your  
2 comments tonight, together with any comments you may have  
3 already filed or intent to file, will be added to the record  
4 as comments on the environmental proceeding.

5           So what we do is we take the environmental  
6 comments and other information and work on our independent  
7 analysis of the project's potential impacts. We will  
8 publish those findings in a draft EIS to be mailed out to  
9 all the people on our mailing list. And as I mentioned  
10 before, it will be publicly noticed for additional comments  
11 and additional meetings. We will then continue our analysis  
12 and incorporate the public comments into a final EIS, which  
13 will then be mailed to all interested parties.

14           Our mailing list for this project right now is  
15 well over 7,000 people, agencies, and organizations. So in  
16 order to pare that down a little bit and make the sure the  
17 people who are interested receive further document, we're  
18 requiring a positive response to indicate you actually want  
19 the document. So what's going to be published is a book  
20 probably two or three inches thick, maybe two volumes, and  
21 we're going to have a mailing of that book or a CD to the  
22 mailing list. However, we don't want to mail out 7,000  
23 copies to people who are just going to end up throwing them  
24 away. So if you notice on the NOI, there's a return mailer  
25 where you have to check the "Yes, you do what to receive"

1 for the mailings. So if you want to receive the draft  
2 Environmental Impact Statement or anything else from the  
3 FERC from now on, you need to turn that return mailer in so  
4 that we know that you want to stay on the list.

5 If you make comments, either verbally tonight or  
6 send in comments, we will automatically add you to the list.  
7 We figure anybody who is interested enough to make a comment  
8 is interested enough to stay on the list; so by either  
9 making a comment or sending in the return mailer that's how  
10 you remain on the list from this point, otherwise, you'll be  
11 dropped off the mailing list.

12 The other thing is that the default -- what we're  
13 going to do is we're going to send out CD ROMs. So if you  
14 prefer to have the paper document, the actual physical book,  
15 the EIS that we'll publish you'll have to ask for that,  
16 otherwise, you're going to get a CD ROM that you can read on  
17 the computer. Now, it's just a personal preference. Me, I  
18 prefer to read the book to read it off the computer. So if  
19 I was in the audience, I would say please send me the hard  
20 copy; but that's up to you. So if you want the hard copy,  
21 ask for the hard copy, otherwise, you'll get the CD ROM.

22 I need to differentiate the different roles  
23 between what I do as FERC environmental staff and what the  
24 FERC Commission does. The Commission is responsible for  
25 making a determination whether to issue a certificate of

1 public convenience and necessity to Ruby for this project.  
2 That is, the Commission will decide whether or not to  
3 approve this project. The EIS prepared by the FERC  
4 environmental staff -- that's me and my team and my  
5 contractor's team -- does not make the decision on whether  
6 or not to approve the project.

7           What the EIS does it describes the project  
8 facilities and associated environmental impacts, discusses  
9 alternatives to the project, mitigation to avoid impacts,  
10 minimize impacts and the FERC staff conclusions or  
11 recommendations.

12           So the EIS then is used to advise the FERC  
13 Commission and to disclose to the public the environmental  
14 impact of construction and operating the proposed project.  
15 The Commission will consider the environmental information  
16 from the EIS, public comments as well as a host of  
17 non-environmental issues, engineering, markets, rates,  
18 finances, tariffs, design and cost in making an informed  
19 decision on whether or not to eventually approve the Ruby  
20 Pipeline Project. Only after taking the environmental and  
21 the non-environmental factors into consideration will the  
22 Commission then make its final decision.

23           All right, I mentioned earlier that one of the  
24 factors or points of interest with this project are the --  
25 what Ruby has proposed as the "southern route," which is the

1 preferred route to go from the point of origin in Wyoming  
2 down through Utah and what we've called the "northern  
3 alternative." Now, I know a lot of you all are interested  
4 in that because that would -- the northern alternative runs  
5 in this direction up through Idaho.

6 Just to be clear, Ruby Pipeline has proposed or  
7 is intending to propose, when it files its application, the  
8 southern route. The folks at Ruby are not pushing for this  
9 northern alternative. What my job is to do is to take  
10 comments from the project as a whole and respond to those  
11 comments. And because there have been comments on the  
12 proposed route -- they said that the northern alternative  
13 should be looked at and should undergo an alternative  
14 analysis. And because Ruby, at one point, was considering  
15 the northern alternative as a viable route, that the EIS and  
16 in response to those comments, will be doing a side-by-side  
17 comparison of environmental impacts associated with the  
18 southern route and the northern alternative. The EIS will  
19 make a final determination and a final recommendation of  
20 which route will be recommended by the FERC staff.

21 The case will not be we leave it open and say,  
22 well, Ruby gets to pick which route it wants to at a  
23 particular point. The EIS will make a recommendation of  
24 either the southern route or the northern alternative. Now,  
25 the FERC works a little bit differently than some of the

1 other agencies. Some other agencies they basically have a  
2 blank slate and they go through the NEPA process and end up  
3 recommending a route that they want. That's not exactly how  
4 the FERC works.

5 We take the route that is proposed by the company  
6 as being kind of the -- that is the proposed route and for  
7 us to recommend an alternative that's different from the  
8 proposed route there has to be a clear and compelling reason  
9 to do so, and that could be a clear environmental advantage  
10 or some other factor that would be a clear and compelling  
11 reason to basically force the company off of a route that it  
12 desires onto a route that it does not desire. So I just  
13 want to let you know how the FERC is looking at this.

14 The company has not sponsored this meeting. Ruby  
15 Pipeline, as far as I know, does not wish to propose the  
16 alternative that we put through Oregon, but I am here as  
17 part of the Environmental Policy Act discussion of  
18 alternatives that have been brought up as potential for  
19 this project and that's why I'm here tonight.

20 So before I turn the table over to Dan Gredvig  
21 with Ruby who will talk a little bit more about the Ruby  
22 Project, are there any questions about the FERC process or  
23 exactly what it is that I'm doing here tonight? Yes, sir?

24 AUDIENCE MEMBER: (Off mike).

25 MR. SWEARINGEN: Okay. The question was how much

1 does the public comment bear or sway the FERC decision as  
2 far as recommending an alternative route?

3           What I'm looking at is basically a comparative on  
4 the potential environmental impacts. So if one person tells  
5 me there's a concern over, let's say, agricultural impacts  
6 or a hundred people tell me there's a concern over  
7 agricultural impacts the fact is the concern is the  
8 agricultural impact. One person can bring it up; a hundred  
9 people can bring it up. It doesn't make any difference to  
10 me the concern is the actual impact. It's not a popularity  
11 contest. It's not a vote. The public doesn't get to vote  
12 on which route is preferred. And it's not a popularity  
13 contest where the more people that say one thing it sways  
14 the FERC recommendation over possibly another route.

15           What we look at is pretty much a numerical  
16 comparison. So we will be looking at numbers of wetlands,  
17 numbers of acres of forestland, numbers of potential  
18 cultural impacts and that is, I would say, a vast majority  
19 of what we look at is a side-by-side comparison of those  
20 types of things. Now, there are some other factors that  
21 come into play and one of those is other agencies. The BLM,  
22 which is not here tonight -- you are? I'm sorry.

23           The BLM, of course, has to issue a right-of-way  
24 grant to Ruby for pipeline that crosses federal land,  
25 federally-administered lands. And so there would be a BLM

1       permitting process and so the BLM is a cooperating agency.  
2       We'll have some input over routing and such. Different  
3       agencies have different concerns and we take those into  
4       consideration. We take land use into consideration. If  
5       people comment about land use and the pipeline is going  
6       through a suburban neighborhood -- land use that's a  
7       legitimate concern. Pipelines going across agricultural  
8       fields that's a legitimate concern. But it's not a vote.  
9       It's not a popularity contest. It is basically, like I  
10      said, robust and quantitative as well as qualitative  
11      analysis of the potential impacts before we would recommend  
12      a particular alternative.

13                   And again, I must reiterate that the proposed  
14      route, the route that is proposed is by default the route  
15      that goes forward unless there is a clear and compelling  
16      reason to force a company to go off of that route. Yes,  
17      sir.

18                   AUDIENCE MEMBER: (Off mike.)

19                   MR. SWEARINGEN: All right, the question is  
20      whether lawsuits of a particular community have influence  
21      over the FERC staff. I'm not aware of any lawsuits because  
22      that's not part of my job. I don't follow who files  
23      lawsuits. In fact, I would be hard pressed to find any  
24      major project that did not have lawsuits filed. I mean I'm  
25      involved with projects where people get up and it's this

1 lawsuit, that lawsuit. The EIS comes out and there's a  
2 lawsuit. The FERC Commission asks and there's another  
3 lawsuit.

4 My job -- I'm not a lawyer. My job is not to  
5 untangle the legal ramifications of the nuances of this or  
6 that. My job is to produce an environmental document that  
7 addresses the environmental impacts of this route versus  
8 that route and how to minimize those impacts.

9 What I'm going to do now is I'm going to turn the  
10 floor over to Dan Gredvig with Ruby and he will give kind  
11 of an overview of the project. And after that, anybody who  
12 wishes to speak for the record to provide comments that's  
13 what I'm here for, we'll take it from there. Okay, Dan.

14 MR. GREDVIG: I want to thank you all for coming  
15 out tonight. This is a great venue to have. You guys are  
16 very fortunate to have this kind of location here in  
17 Montpelier and we're really thankful that you've come out to  
18 listen to us tonight and to hear our presentation, and to  
19 give our project, our oversight to our proposed project.

20 As is noted here, this is Ruby Pipeline, LLC. It  
21 is a pipeline project that is proposed by El Paso  
22 Corporation. We're out of Colorado Springs, Colorado. Our  
23 headquarters office is out of Houston, Texas. We operate  
24 underneath our El Paso Western Pipeline group out of  
25 Colorado Springs. Our project team, which there are a

1 number of people here with me tonight that are here to  
2 support and to answer any questions that you might have. So  
3 please don't hesitate to ask us as you go along or as the  
4 night out in the back when we get done with these  
5 presentations.

6 COURT REPORTER: Can we have your name, please?

7 MR. GREDVIG: Sorry. Dan Gredvig with Ruby  
8 Pipeline. Thank you. We are an experienced operator of  
9 natural gas pipelines. We've been building pipelines since  
10 about 1928. The El Paso Corporation owns and operates about  
11 42, 43,000 miles of interstate natural gas pipelines  
12 throughout the United States. We do that in a safe,  
13 dependable, and environmentally sensitive as we possible  
14 can. The project, as Dave indicated, when we started is  
15 roughly a 680, 677 mile, 42-inch natural gas pipeline. It  
16 is linking the gas supplies that are in the Rocky Mountain  
17 region, whether it be Colorado, Wyoming, Utah gas supplies  
18 that are prevalent and need a source, a way to get out. And  
19 so we're looking at trying to link that natural gas supply  
20 with the Western market and any point along the way that has  
21 a need or a desire for that. So as you can see, starting at  
22 Opal, Wyoming, going across northern Utah, northern Nevada  
23 into Oregon.

24 As Dave indicated earlier, and as some of you  
25 recall back when we had our open house when we were talking

1 about our route leaving Opal coming up through -- following  
2 basically the power line corridor over the Caribou and then  
3 down into Utah following the same route. That's what we had  
4 looked at as what we call our northern alternative or our  
5 north Kemmerer alternative. For varying reasons, we choice  
6 to adopt our southern alterative, which as I described  
7 earlier, coming down through Utah.

8 As a part of this process, we certainly welcome  
9 your input and your questions and raising whatever issues  
10 that there might be that are in your mind that need to be  
11 address by the environmental document and by the FERC in  
12 their decision-making of our project.

13 We've got four compressor stations that we've  
14 identified for our project. One is going to be at the Opal  
15 Hub or at the beginning of the project, one in western Utah,  
16 one about central Nevada and one in western Nevada. That  
17 will help to facilitate the moving of that natural gas.  
18 Right now, we've got contracted about 1.1 billion cubic feet  
19 of natural gas per day, has been signed up by customers to  
20 ship gas to the Western market. We are in the phase where  
21 we have surveyed our preferred route. We've done our  
22 environmental and our archeological studies. We have  
23 secured about 98 percent landowner authorization for  
24 completing our survey across that route that is designated  
25 as our preferred route. We continue to work with

1 landowners. We continue with work with stakeholders. We  
2 continue along that process to develop our relationship with  
3 those stakeholders.

4 The next part of the project that we're at, we  
5 are and have developed resource reports that we have  
6 submitted to FERC. Those are based on the environmental  
7 work we're doing on the ground, the survey work that we've  
8 been doing on the ground and the next step is to get  
9 comments back on those environmental resource reports that  
10 have been provided. Comments are being provided now and  
11 will be given back to us to finalize those documents to get  
12 them back to FERC with our FERC -- we anticipate filing our  
13 FERC application in January of 2009 and then going through  
14 the environmental impact study that Merjent will be doing  
15 underneath the direction of FERC. And with, that we hope to  
16 have authorization the last quarter of 2009, first quarter  
17 of 2010 so that we can start that pipeline construction and  
18 have it in service by March of 2011.

19 That's kind of our project in a nutshell and I'd  
20 be willing to answer any questions, if there are any that I  
21 could answer for you at this time.

22 Dave, do you want to do it that way?

23 MR. SWEARINGEN: Yes, are there any questions  
24 specifically about the project design?

25 AUDIENCE MEMBER: (Off mike.)

1                   MR. SWEARINGEN: This is a little bit informal  
2 now, so go ahead.

3                   AUDIENCE MEMBER: (Off mike.)

4                   MR. SWEARINGEN: For the record, the question is  
5 for what reasons did Ruby decide to go with the southern  
6 route versus the northern?

7                   MR. GREDVIG: For us, it was a basis of trying  
8 to create a balance between resource issues -- we know that  
9 leaving out of Klamath, Wyoming we had environmental,  
10 through the Klamath BLM resource area, we had environmental  
11 issues that were raised. We had the California/Oregon Trail  
12 that we were going to be crossing in a number of different  
13 locations. Once we got into western Wyoming in the  
14 Cokeville area, we had other environmental concerns that  
15 were identified. And then once we got into Idaho, there  
16 were other trail issues. There were inventory roadless  
17 areas going through the Caribou-Targhee National Forest. We  
18 weren't able to stay completely on or following the overhead  
19 power lines and so those inventory roadless areas were also  
20 part of that consideration.

21                   When we balance the resource concerns that we had  
22 and trying to fit our project through, we still try to make  
23 it as streamline as we can to make it a cost effective  
24 project for the customers, we identified the southern  
25 alternative as one that was constructible. Resource-wise we

1       felt that it was manageable and that we could do it for a  
2       fair price that the customers would be willing to pay.

3               MR. SWEARINGEN: Okay. I just want to follow up.  
4       I imagine that most of you all are here tonight because of  
5       this alternative discussion. I just want to say a few more  
6       things on that. The FERC, at this point, we do not have an  
7       application in front of us right now. We have a pre-filing  
8       where Ruby has submitted documents and has submitted their  
9       intention of what they want to do. So you can think of it  
10      as -- I have not started my environmental analysis. We're  
11      gathering information right now, but I haven't started  
12      putting pen to paper and my contractors and colleagues have  
13      not started taking a hard look at this. So at this point, I  
14      have no opinion over southern route versus northern route  
15      from an environmental standpoint.

16             I want to make that clear that nothing has been  
17      decided on that. All I'm telling you is what Ruby has  
18      proposed. And from a procedural standpoint, what the FERC  
19      goes through in making such decisions. And as the gentleman  
20      asked about lawsuits and such, it's been said -- and I think  
21      it was said by a federal judge that the heart of the NEPA  
22      analysis is the alternative analysis. So it is my job and  
23      my duty as following the National Environmental Policy Act  
24      to conduct the best alternative's analysis that I can.

25             If I were not to do that, if I were not to open

1 up a meeting in Oregon or ask for you folks opinion, then if  
2 it came down to it and I were to recommend a route up here I  
3 would have failed in my duty to open up -- basically, to  
4 scope that particular issue. If I did not consider this  
5 alternative at this point, I would be remiss of my duty  
6 because it's been brought up as a viable alternative. And  
7 of course, at some point Ruby thought it was a viable  
8 alternative because that was their original intention. So  
9 as far as I'm concerned, I just want to make it clear that  
10 this is all part of the NEPA analysis and if I don't  
11 consider this alternative and consider it directly and  
12 robustly in both a quantitative and qualitative manner, then  
13 I would not be fulfilling my duties as an environmental  
14 project manager. So hopefully, that kind of flushes out a  
15 little bit of how the environmental analysis and  
16 alternatives is conducted by the Federal Energy Regulatory  
17 Commission.

18 All right. What I'm going to do now is open up  
19 the floor for comments. We've got a couple of people who  
20 have signed up to speak. I'll call them first. If you feel  
21 like that you want to add something after that, then you can  
22 just come up. Be sure that when you come up to a microphone  
23 -- again, the microphone is not projecting into the room.  
24 It's enabling the court reporter to pick up the transcript.  
25 This is going to be published as an official transcript to

1 the proceedings. So when you go up to the microphone,  
2 please state your name, spell it, especially if it's  
3 anything other than like Joe Smith or something like that.  
4 Spell it for the record so that when it's published it's not  
5 mangled. I've seen my name mangled too many times in the  
6 public record, so just be aware of that. That's good  
7 advice. Go ahead and spell it when you come up.

8 So the first person we have is Eric Bastian.

9 MR. BASTIAN: My name is Eric Bastian. That's  
10 E-R-I-C, B-A-S-T-I-A-N and I'm a concerned landowner. The  
11 thing that brings me here tonight is, if it goes the  
12 northern route, it follows a route that travels  
13 approximately a mile through my land. Most of it is high  
14 mountain pasture, which a lot of it won't affect. But when  
15 you go through the west side there is a wetland there, a  
16 meadow where I have put in several very expensive projects  
17 to get water to the other parts of my ranch and I'm afraid  
18 that if this pipeline goes through that wetland it'll  
19 disrupt the water that waters the entire ranch with my  
20 cattle operation. And that's my biggest concern.

21 Another concern is that the environmental issues  
22 -- I've been to some of the other scoping meetings down in  
23 Utah. I was in a meeting like this and there were over 300  
24 people, you know, and they brought a lot of issues and  
25 lawyers brought a lot of -- you know, threats and things

1       like that. But there's not very many people here today and  
2       I think a lot of people have been lead to believe the  
3       northern route has been abandoned, and now we're finding out  
4       that it's being actively considered. And I don't know where  
5       you guys go to get your information about all the  
6       environmental issues you have to look at, but if the people  
7       that are affected, especially the landowners like me, have  
8       already been lead to believe and they're of the opinion that  
9       it's a done deal, they're not going to be able to come to a  
10      place like this and be on the formal record as to their  
11      concerns. And the concern that I have is very valid, you  
12      know, and I hope you take a look at a lot of the  
13      environmental issues on the northern route because there are  
14      a lot of environmental issues -- like you say, roadless  
15      areas, a lot of wetlands. And this is nothing that you  
16      gentlemen haven't seen before. I mean the Ruby people have  
17      put in pipelines all over this country and they run them  
18      fairly successfully.

19                The other thing that really concerns me is that  
20      in a lot of the documents you read the eminent domain. In  
21      this day and age we see these oil companies and these gas  
22      companies making tremendous profit and then they come out  
23      here and have the gall to threaten with eminent domain. If  
24      they're going to come out here and affect my land forever,  
25      they need to pay for that and they need to pay a fair market

1 value, not come out here and say we'll give you 25 cents an  
2 acre. We'll come through your ground if we want. You take  
3 it or leave it. That's not right. It may be legal, but  
4 it's not right. And I hope that you take a real hard look  
5 at the environmental concerns because there is a myriad of  
6 them. It's just this northern route I think, has more  
7 environmental concerns than the southern route and I've  
8 looked at both of them, you know, a lot of maps and talked  
9 to a lot of farmers.

10 And I was asked by some farmers over in the  
11 valley, over home, in Cache Valley to speak tonight just to  
12 let you know of our concerns.

13 MR. SWEARINGEN: Okay. Thank you. The next  
14 person we have signed up Wallace Schulethess.

15 MR. SCHULETHESS: W-A-L-L-A-C-E, middle initial  
16 J, S-C-H-U-L-E-T-H-E-S-S. I'm a landowner from Rich County.  
17 I also have land in Lincoln County, Wyoming, Uinta County,  
18 Wyoming. I own shares in three or four different companies  
19 in the Cumberland/Bellevue Grazing Association where the  
20 pipeline will come across. My reason for being here tonight  
21 is I received a notice that Ruby would be coming through my  
22 property. I received one phone call from a gentleman named  
23 Tom and he's one for Ruby Pipeline in Evanston. He notified  
24 me they'd be coming through and doing some work on my  
25 property.

1           At that time he stated that he would notify me  
2 whenever they would come in. He hasn't notified me again.  
3 There's been three or four times where individuals have just  
4 appeared on my private property. He led me to believe that  
5 they were following a right-of-way that Utah Power and Light  
6 had under the big transmission line. I didn't stop them. I  
7 let them go through. They done an archeological study, but  
8 they definitely veered from where the -- and I don't believe  
9 there is a right-of-way for that power line. I believe they  
10 purchased individual spots where those poles were purchased.  
11 I don't know if they ever had a right-of-way. So my concern  
12 is are they allowed to go on and use their right-of-way  
13 through this property?

14           The property I'm most concerned with is not my  
15 range ground -- and I also have -- I lease property and have  
16 a range permit in Lincoln County where this northern  
17 alternative would go. I think that Ruby has done their  
18 homework and I think the southern route is a better  
19 alternative environmentally. Where it comes through my  
20 property in Rich County they will go through the Bear River,  
21 through some wetlands at the very edge of the property.  
22 Then it would cross the R&W Canal, which transports about a  
23 thousand-acre feet of water for irrigation. It'll come  
24 right through that.

25           When they come onto another piece of my property,

1 I have some wheel lines of alfalfa ground in it. Then it'll  
2 cross a country road, a couple more irrigation ditches, then  
3 I have a center pivot with underground lines that they're  
4 going to come and disturb that. I have an irrigation well  
5 that runs that irrigation system. There is a jog here --  
6 the first jog noted on the map is 54, the flag at 54. It  
7 jogs around a couple of houses and then back onto my  
8 property.

9 And then it's going to go through where I have  
10 another well with some underground water lines, and the  
11 survey markers are right over the top of where that makes a  
12 "T." I would have thought they would have asked a little  
13 bit of what's under the ground before they just come on my  
14 property. They accessed it from the highway, which I didn't  
15 feel was right. But I still feel that this other route is a  
16 better route, the southern route even though it does diverse  
17 my property and effects me directly. The power line has  
18 already devalued the property. That was one kind of a  
19 threat that was thrown out to me was -- I said, well, I hate  
20 to see this pipeline come through my property because it  
21 will devalue it forever. And they says, well, we've already  
22 got a right-of-way where Rocky Mountain Power has it. That  
23 isn't really an environmental issue, though. That's more --  
24 but it will affect me.

25 I'm worried about the depth of the pipeline

1 coming through the property. There's a lot of gravel deep  
2 down. The topsoil is very shallow in the area where they're  
3 going through. I'm worried when they come through -- and my  
4 understanding is it's going to be about 8 feet of fill on  
5 top of pipeline. Is that --

6 MR. SWEARINGEN: Generally, the pipeline is about  
7 3, 3 or 4 feet of cover, just depending on the specific  
8 land use of the area. So if you're farming, you know,  
9 detail or something, it'll be deeper; but that's something  
10 you work out with the company.

11 MR. SCHULETHESS: When they come through, we need  
12 to work directly with them and make sure that they --

13 MR. SWEARINGEN: Yes, you will.

14 MR. SCHULETHESS: -- leave all the rocks on top  
15 and try and keep the topsoil where it's at?

16 MR. SWEARINGEN: Well, the FERC requires that  
17 they segregate topsoil, depending on the land use. So if  
18 you've got land use where topsoil is important, then they're  
19 required to set the topsoil off separate and then when they  
20 backfill to put that back on top. So the FERC will make  
21 sure that they do that.

22 As far as the other issues, if you've got enough  
23 land where you can ask them to route a certain way across  
24 your land, that's something that I would hope that the  
25 company would be responsive to because that's generally a

1 good business practice that if they're crossing your land  
2 they can cross either A, B, or C and you have a preference  
3 for A, they should listen very hard to that.

4 Now, I don't know eventually what they're going  
5 to propose on your property, but they should definitely be  
6 dealing with you to see the way they could do that is least  
7 objectionable to you.

8 MR. SCHULETHESS: I'll work with the company on  
9 that. I really haven't made an effort myself because I was  
10 just waiting to see what they come up with, but there were a  
11 few issues that bothered me. But I don't believe that  
12 there's anything coming through this property in Rich County  
13 -- like I say, you're going to have to go through the Bear  
14 River and it's canal, some wetlands there. I don't see  
15 where that's -- once it's in, I don't see where there's  
16 going to be a problem with that. I think it can be put  
17 through that property without disturbing -- you know, a lot  
18 of the wetlands can't be restored to their natural state  
19 that they're in.

20 Like I say, I wish I had a better reason for not  
21 having them through there, but environmentally, I think  
22 through the Rich County there, as I've studied this map and  
23 kind of know the areas, I think that any environmental  
24 issues can be handled with that without any problem.

25 I have a question, and maybe you can't answer

1       this.  But I understand there's another pipeline that's  
2       going from Opal to Oregon.  Is it Sunoco or a different  
3       name?

4               MR. SWEARINGEN:  What's the name?

5               MR. SCHULETHESS:  Is it Sunoco or -- I'm not sure  
6       on the name.

7               MR. SWEARINGEN:  Sunstone?

8               MR. SCHULETHESS:  Sunstone?

9               MR. SWEARINGEN:  All right, the Sunstone Project,  
10       I think has been on file with the BLM for some time.  It  
11       just came into FERC I think -- I don't know if it's even  
12       been docketed as a pre-filing yet, but the FERC is aware of  
13       the Sunstone Project.  But I don't know anything specific  
14       about it because I'm not working on that project.

15              MR. SCHULETHESS:  But is that --

16              MR. SWEARINGEN:  Anything that I knew I would  
17       tell you, but I don't know --

18              MR. SCHULETHESS:  My understanding is they're  
19       going to try and follow that northern route up through  
20       Cameron and through there anyway, so I wondered why have two  
21       separate studies if they can combine them into one?

22              MR. SWEARINGEN:  Yes, that's a different company  
23       proposing a different route -- I mean a different project,  
24       so if they're going to be proposing a route that comes  
25       through this area you'll have other meetings like this, I

1       guess, for that particular company.

2                   MR. SCHULETHESS: All right. I got a lot of  
3 pipelines -- gas transmission lines on my property in Uinta  
4 County and my concern environmentally on those is invasion  
5 of weeds. At the time they were put in there was no plans  
6 at all to control the weeds on them. Uinta County, Lincoln  
7 County has worked very hard and diligently. BLM has put  
8 some money in. Bellevue Grazing Company has put some money  
9 in. But when they come in, they need to restore this  
10 ground. It's nothing you can do in a few months and never  
11 come back. There needs to be some plans in there for  
12 invasive weed species, especially these wetland areas and  
13 other areas. I don't think they've done a very good job. I  
14 would hope that Ruby would be a better partner in that of  
15 putting funding into either local counties or local  
16 management groups for controlling weeds after the pipelines  
17 have been put in.

18                   MR. SWEARINGEN: That is something that the FERC  
19 takes seriously as well. Those previous pipelines when were  
20 they put in?

21                   MR. SCHULETHESS: They were put in the '80s.

22                   MR. SWEARINGEN: Okay. Well, now --

23                   MR. SCHULETHESS: And recently there was right-  
24 of-way for some wind powers, but we worked differently with  
25 them and they're a lot better.

1                   MR. SWEARINGEN: Well, the FERC has inspection  
2 requirements and restoration requirements where we continue  
3 to go out and look at things like erosion and weed control  
4 and re-vegetation and such so that until we're satisfied  
5 that either it's been restored back to pre-construction  
6 condition or as much as reasonably can be expected with a  
7 good faith effort, then we will continue to compel the  
8 company to add restoration measures or weed treatments or  
9 such. I'm still doing review of a project that was put in  
10 back in the early 2000, so five, six, seven years I'm still  
11 looking at erosion and weeds, and I'm still making the  
12 company go out and work on those particular locations. So  
13 that is something that the FERC does take serious.

14                   MR. SCHULETHESS: Okay. Because what our  
15 problem was Amoco came in and put the pipelines in and  
16 Chevron had a part of them and Gulf an different companies,  
17 and they've since sold and transferred and we can't -- they  
18 moved their corporate offices to Houston. When they were in  
19 Wyoming we'd go up there and visit with the people that knew  
20 the local area. And then when they moved all that out, why  
21 we didn't have a contact with them. You get a phone number  
22 press one for this guy, press two for English, press three  
23 for Spanish, wait ten minutes --

24                   MR. SWEARINGEN: Yes.

25                   MR. SCHULETHESS: It's been very frustrating. So

1 I would hope that Ruby, through this environmental process,  
2 would have that approved and long-term financing set aside  
3 to help with some of these long-term issues.

4 MR. SWEARINGEN: Well, we can compel them to work  
5 on the issues with the construction and operation of the  
6 Ruby Pipeline. I don't know what I can tell you about the  
7 previous --

8 MR. SCHULETHESS: And that's what I'm addressing,  
9 just the Ruby Pipeline.

10 MR. SWEARINGEN: Yes. And we also require the  
11 company to consult with the local NRCS offices when it comes  
12 down to seed mixes and weed control and stuff. So it will  
13 be local, knowledgeable folks who will have input over that  
14 as well as the landowner, so that's something that we  
15 require the company to do.

16 MR. SCHULETHESS: Okay. I believe that's all the  
17 comments I have as far as environmental issues.

18 MR. SWEARINGEN: Okay. All right. Those were  
19 the only two people that signed up, but the floor is open.  
20 Anybody who wishes to come and make some comments step right  
21 up and we'll hear them. Yes, sir?

22 MR. TEITHERT: Good evening. My name is Jonathan  
23 Teithert and planner with Lincoln County, Wyoming --

24 COURT REPORTER: Spell the last name, sir.

25 MR. TEITHERT: T-E-I-T-H-E-R-T. Also, a

1 resident of Pavillion, speaking on behalf of Lincoln County.  
2 Let me first start by saying that Lincoln County is  
3 supportive of this project. We understand the bottleneck  
4 that exist with exporting our product to the major markets  
5 and that's obvious to see when you look at the price of gas  
6 at the Opal hub compared to the Louisiana or the New York  
7 hub that there is a bottleneck that exist in exporting  
8 that. So let me first start by saying that we're supportive  
9 of the project and would like to see it continue forward.

10 We're also supportive of the northern route of  
11 this pipeline. We've looked at both the north and southern  
12 route of this and we believe that the northern route will  
13 provide the least amount of impact in that there is already  
14 a Williams Northwest Pipeline that goes through this area.  
15 There are four power lines. There is this proposed Sunstone  
16 Pipeline. Those impacts already are there and we continue  
17 to remind the BLM, the Fossil Butte National Monument, the  
18 Camas Meadows Wildlife Refuge that these are already there.  
19 Those impacts exist and we'd like to see this pipeline  
20 follow that corridor that already exists as closely as  
21 possible.

22 Our major concern is, you know, any unnecessary  
23 or arbitrary restriction -- as I've said, I would like to  
24 see this continue forward, to move along and we appreciate  
25 the professionalism that Ruby Pipeline has made with Lincoln

1 County. They've been here from the start and consulted with  
2 us and we appreciate their willingness to work with us.

3 MR. SWEARINGER: Okay. Thank you, Mr. Teithert.  
4 Anybody else? The floor is open.

5 MR. DERRICOTT: Mike Derricott. The last name is  
6 D-E-R-R-I-C-O-T-T. The question I have is, if it came  
7 through the northern route, would it be possible to hook in  
8 through a pipeline for the Westside of Bear Lake Valley? Is  
9 that a possibility or you can't hook into anything else?

10 MR. SWEARINGEN: That would be a question for  
11 Ruby.

12 MR. GREDVIG: Again, Dan Gredvig, Ruby Pipeline.  
13 We're looking at opportunities anywhere along the pipeline  
14 where somebody comes to us with a specific need, what that  
15 need is. We are a transportation company and so we do not  
16 distribution. So a local distributing company would have to  
17 come to us for a request to tap into the line, have a side  
18 valve put on at the time of construction or to facilitate  
19 that need. You know, there's a lot of things that go into  
20 that, whether it's the pressure regulation, the metering,  
21 the odorization of that gas. But all those things being  
22 equal, that is our job is to deliver natural gas to a  
23 consumer and we are an open access carrier, so we're looking  
24 for those opportunities. As long as the pipeline has space  
25 available to it that's something that we would certainly

1 look at and entertain any possible opportunity that comes  
2 along.

3 MR. SWEARINGEN: Well, you had an open season.  
4 Did you have any interest from -- what did you say, the  
5 north part --

6 MR. DERRICOTT: I did talk to some people at  
7 their open house meeting and at that time they weren't sure  
8 what the opportunities are, which means we haven't got  
9 anything on the west side of the valley by way of natural  
10 gas.

11 MR. GREDVIG: Based on our route today on the  
12 southern alternative, we wouldn't have that capability of  
13 providing gas service. But nobody has come in and asked for  
14 that delivery at that location.

15 MR. DERRICOTT: No. I realize it would take a  
16 lot of homework to get it done, but until they decide which  
17 way you're going to go, you know, there are a lot of --

18 MR. SWEARINGEN: And again, that's strictly a  
19 company's design and project decision. You know, the FERC  
20 can't --

21 MR. DERRICOTT: Well, it was only a question.

22 MR. SWEARINGEN: Yes.

23 MR. DERRICOTT: Thank you.

24 MR. SWEARINGEN: Uh-huh. Anybody else? Yes,  
25 sir?

1 MR. BATION: Just one more question.

2 MR. SWEARINGEN: Sure.

3 MR. BATION: The trespass issue I've talked to a  
4 lot of people about the (off mike).

5 MR. SWEARINGEN: Mr. Bastian brings up -- I'm  
6 just going to repeat your question because of the microphone  
7 issue. Mr. Bastian brings up the question of trespass and I  
8 personally am disheartened any time I hear about trespass  
9 issues. I mean I am disheartened any time I hear those  
10 issues. Sometimes I hear those issues and I ask the company  
11 and it's like, well, you know, we talked to the person's  
12 wife and the husband didn't know or something like that.  
13 And I know that Ruby has had this brought up before and has  
14 addressed it. So rather than me trying to address it for  
15 them, I will turn it back over to Dan and ask how you  
16 respond to issues of trespass that are being brought up  
17 tonight.

18 MR. GREDVIG: I welcome that opportunity, Dave.  
19 Thank you. We specifically want to address those on a case-  
20 by-case. That should not happen. You're exactly right.  
21 That is trespass or access without permission is illegal and  
22 we shouldn't be doing it. I know there are situations that  
23 have happened. We try to stem them right from the  
24 beginning. We try to coordinate our efforts between our  
25 right-of-way guys that are talking -- in this particular

1 instance we need to talk through that issue and find out  
2 what happened because that's the first I've heard of it. It  
3 hasn't been brought to my attention.

4           Again, like I say, over 680 miles of this natural  
5 gas pipeline we've got -- 98 percent of the landowners have  
6 authorized us with permission to survey. Some have asked us  
7 to contact them each time we've come on. Some people have  
8 just said go ahead and do it, no further contact necessary.  
9 I don't know what this situation is, but we'll get to the  
10 bottom of that one and resolve that because I'm disheartened  
11 as well and I know all of our right-of-way team and our  
12 corporation is disheartened that that kind of situation  
13 affects our pipeline. Because it not only affects the  
14 project, but it affects our corporate environment and the  
15 way we do business; and that is not the way that we intend  
16 to do business. I know that some times it happens and I'll  
17 acknowledge that, but all I can say is that we'll get to the  
18 bottom of it and try to make sure that we address it.

19           Those areas that happened down in Boxelder  
20 County, they were early on. There was a lot of folks that  
21 got on the bandwagon saying that there was trespass, but  
22 they were responding back to that one original trespass and  
23 it wasn't an ongoing situation, but it was more a repetition  
24 of that one incident or two incidents. That's my  
25 understanding, so hopefully that addresses that.

1 MR. SWEARINGEN: Sir?

2 MR. CASTERSON: My name is Craig Casterson,  
3 C-A-I-G, C-A-S-T-E-R-S-O-N.

4 COURT REPORTER: Thank you.

5 MR. CASTERSON: The places that's coming through  
6 our property is a place that I'm purchasing from my mother  
7 and we'd like to eventually build a house out there. It  
8 overlooks the Bear River, you know, it's up on the top. And  
9 what would happened if I went ahead and built that house and  
10 then they decide to do the -- you know, is that taken into  
11 consideration environmentally? Or how far away can they be?

12 MR. SWEARINGEN: Well, that's -- if you had a  
13 house there before they negotiate an easement with you, they  
14 would have to negotiate that easement with the objective  
15 knowledge that the house is there. They would have to find  
16 a route around that house if they were coming across your  
17 property. If the house was not physically there, they --  
18 basically, they would ask for an easement. Hopefully, they  
19 would do it in a way, like I said before, that would be  
20 least objectionable to you. You know, things like future  
21 plans or land use plans are taken into account or should be  
22 taken into account in an easement negotiation.

23 If it came down to it, if they had a certificated  
24 route, as alluded to earlier, they would have the right of  
25 condemnation, eminent domain on that particular route. But

1       they could not -- the FERC would be very, very reluctant to  
2       issue any kind of authority of eminent domain with regard to  
3       a structure that was already present. Now, how close can a  
4       pipeline come to a house; a pipeline can come as close to a  
5       house as it can be constructed. There is -- I mean that's  
6       just the -- it is what it is. Does that answer your  
7       question?

8                   MR. CASTERSON: I guess so. I wouldn't want to  
9       live there if it's that close.

10                   MR. SWEARINGEN: I've had projects with pipelines  
11       going right through subdivisions, across school soccer  
12       fields, across busy streets. I mean when you get into real  
13       populated areas, it's hard to find a route that doesn't go  
14       close to somebody. But again, I just -- I'll let you speak  
15       in a second, but any kind of individual circumstance that  
16       you have that's what the land agent is supposed to discuss  
17       with every particular landowner and that's why this isn't  
18       some route that's slapped onto a map and it gets  
19       certificated. It's landowner by landowner. They have  
20       agents go out and talk with you and decide what your  
21       specific land use patterns are and what they can do. If  
22       they have to put the pipeline -- if they feel like they have  
23       to put the pipeline across your land, do it in a way that's  
24       least objectionable to you.

25                   MR. GREDVIG: I'd just like to add to that.

1 Thank you. Dan Gredvig, Ruby Pipeline. That's the part --  
2 the first thing we have to do is to get onto the ground and  
3 perform our survey, our center line survey to try to  
4 identify where we think we can build the pipeline route.  
5 Then the next step is we come back and we have to sit down  
6 and we need to talk with you, and we need to figure out what  
7 the issues are that are affecting you and our route and try  
8 to find a way that we can both come to an agreement that  
9 that's the best place for the pipeline and take all those  
10 things into consideration -- your house location, your house  
11 path. If we don't know it when we're coming through with  
12 our survey -- we try to identify all those things up front  
13 so we don't have to resurvey. But if we don't know it up  
14 front, then we need to talk about it as part of this  
15 negotiation process to make sure that we're taking all those  
16 things into consideration.

17 MR. CASTERSON: Can I ask you one more question?  
18 Are you going to survey the northern route, you know, is  
19 there a possibility that you could do that or wait until  
20 they -- FERC makes the decision one way or the other?

21 MR. GREDVIG: Presently, we've got our preferred  
22 route, Ruby does, and that is the south alternative. That  
23 is the route that we've done our complete civil survey on  
24 and all our environmental work and our archeological work.  
25 We're also doing a comparative analysis of the north camera

1 route and our preferred route, but not to the detail of  
2 having a survey crew go out there because our preferred  
3 route is the route, as we've talked about, is the south  
4 route. That's where we put all of our effort in perfecting  
5 that and dealing with all the resources on the ground.

6 MR. SWEARINGEN: And if the FERC were to  
7 recommend and eventually certificate the northern  
8 alternative, then Ruby would have to basically go out and  
9 survey -- pick it up from where they left off.

10 MR. CASTERSON: Okay. Thank you.

11 MR. SWEARINGEN: If that's all the comments --  
12 yes? Okay.

13 MS. AGUIRRE: My name is Candi Aguirre. I'm with  
14 the BLM Pocatello field office and we just wanted to make  
15 sure that the Ruby folks realized the environmental issues  
16 that would be of concern in our field office. And it sounds  
17 like you're already aware of them. The historic trails --  
18 we have historic trails on this side, the sage grouts  
19 habitat and there's one more -- it's left me. But anyway,  
20 I'm assuming if you're going to do an in dept study of a  
21 northern alternative that you would request the data that we  
22 have on our resource issues?

23 MR. SWEARINGEN: Can you spell the name for the  
24 record, please?

25 MR. AGUIRRE: Oh, I'm sorry. C-A-N-D-I

1 A-G-U-I-R-R-E.

2 MR. SWEARINGEN: Thank you. Okay.

3 As I said before, the Ruby folks will be hanging  
4 around here with their maps and posters and such if you want  
5 to talk to them, especially if you have a land-specific  
6 question about your property the folks here will be glad to  
7 talk with you. I'll hang out if you want to ask me some  
8 FERC questions. I will be glad to answer them the best that  
9 I can. What I'm going to do is go ahead and close the  
10 formal part of this meeting. Anyone wishing to purchase a  
11 copy of the transcripts should make those arrangements with  
12 the transcriber here to my right.

13 At some point the transcript will be available on  
14 the FERC website. The FERC website is [www.FERC.gov](http://www.FERC.gov). That's  
15 [FERC.gov](http://FERC.gov). Within our website is a link called e-Library.  
16 If you go to e-Library and type in the docket number, which  
17 right now is PF08-9, you can use e-Library to gain access to  
18 every thing that's on the record for public information  
19 concerning the project as well as all the filings and  
20 information submitted by Ruby.

21 So on behalf of the FERC I want to thank you all  
22 for coming here tonight. Let the record show that the  
23 Montpelier scoping meeting concluded at 7:59 p.m. Thank  
24 you.

25 (Whereupon, at 7:59 p.m., the above-entitled

1       scoping meeting was concluded.)

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